

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1–10 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 1–10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hashimoto (U.S. Patent 6,335,909). In the present invention, “said light beam is focused on said signal recording surface by driving said two-focus lens in a down-search whereby S-shaped fake signals are distinguishable from error signals.” (Claims 1 and 6) The ability to distinguish between proper focus error signals which are S-shaped and S-shaped fake signals is described on page 30 of the specification. The importance of this feature and the ability to perform a down-search, as opposed to the commonly used up-search, is discussed on page 3 of the specification. By contrast, Hashimoto fails to disclose “a two-focus lens,” “a down-search,” or the ability to not mistake “S-shaped fake signals” as required in the present claims. Additionally, although Hashimoto is directed to a multi-layer recording medium, there is no discussion of “a two-focus lens” in the disclosure. In fact, nowhere in Hashimoto is a lens discussed. Further, Hashimoto

does not discuss a focusing method, but rather states that "servo automatic adjustment itself is well known in the art." (Column 4, Lines 8-10) Hence, Hashimoto cannot meet the present invention's down-search limitation. Moreover, Hashimoto simply does not discuss S-shaped signals or fake signals. Accordingly, for at least these reasons, Hashimoto fails to anticipate the present invention and the rejected claims should now be allowed.

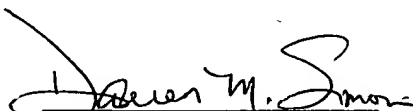
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Darren M. Simon
Reg. No. 47,946
(212) 588-0800